

APS-23

October 20, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **05-4071**

ANDRA L. MANUEL

VS.

THOMAS L. CARROLL, ET AL.
(D. Del. Civ. No. 04-cv-00825)

Present: SLOVITER, MCKEE AND FISHER, CIRCUIT JUDGES

Submitted are:

- (1) Appellant's request for a certificate of appealability
under 28 U.S.C. § 2253(c)(1); and
- (2) Appellant's motion for appointment of counsel
in the above-captioned case.

Respectfully,

Clerk

MMW/SXR/mc/crg

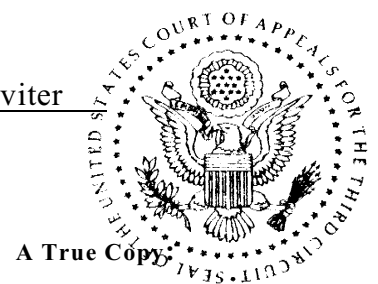
ORDER

The foregoing request for a certificate of appealability is denied under 28 U.S.C. § 2253(c)(2). Because Appellant has failed to show that he was denied an opportunity for full and fair litigation of his Fourth Amendment claims in the state courts, his claims are not cognizable on federal habeas review. See Stone v. Powell, 428 U.S. 465, 494 (1976). In light of the disposition of Appellant's request for a certificate of appealability, the motion for appointment of counsel on appeal is denied.

By the Court,

/s/ Dolores K. Sloviter
Circuit Judge

Dated: November 9, 2005
CRG/cc: Andra L. Manuel
Gregory E. Smith, Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk